
REP. HUDSON:

Joan Snidutz

Joan Snidutz, Chairperson
Board of Nursing

I believe that all of our colleagues have already expressed the concerns of the board, therefore I am going to be very brief. We agree with the concept and necessity of review. We feel that that is extremely important. We agree with the policy and purpose of S.278. However, we do question where this review is being put. Given some of the physical and logistical difficulties already being experienced by the implementation of S.182, we feel and we wonder how it is reasonable to expect an in-depth analysis on a yearly basis of the boards. Our recommendations are the same as what our colleagues have already put forth. I will leave it at that.

REP. HUDSON: We thank you. Are there questions? If not, thanks for coming.

REP. RICE: Peter Taylor.

Peter Taylor, Executive Director
Vermont State Dental Society

I have a few quick comments on this piece of legislation. Basically, we're supportive of the legislation. However, as has been mentioned earlier, on page 7 we'd also recommend that the term shall be used instead of may. On page 7a, as other people have mentioned, I feel that to require the secretary of state to report every year is excessive. He probably has the flexibility to report at any time if he feels problems exist. So, we would go along with the other speakers and say no more, at least in law, as far as requirements should be perhaps every two year, or even more. The committee should decide that. He would have to tell you his ability to comply with that reporting, given the criteria that now exists for the Legislative

Council to develop reports. I'd also like to request of the committee that they consider changing a problem that exists, at least as far as we're concerned, which was created by the passage of S.182. That bill has - it appears on the opinion of the secretary of state's office - does not allow the secretary of state to release lists of licensed practitioners in the state of Vermont. Any licensed occupation, professions or organizations frequently are the only bodies that provide continuing education and we no longer have access to the list of licensed, in our case, licensed dentists in the state. I would think that this would be a perfect opportunity perhaps for the committee to rectify that with a simple amendment which would allow access to the names of licensed persons for professional associations. That's all I have to say. Thank you.

REP. HUDSON: Thank you, sir. Are there any questions?

REP. POIRIER: What is the reason why the list is not available?

MR. TAYLOR: Supposedly there was a section in S.182 which was passed last year - there seems to be a lot of sections in that bill that a lot of people didn't know the impact of. It's an interpretation on behalf of the secretary of state's office that that bill prohibits them from releasing this public - the full list. If you call up and ask if a specific person is licensed, they will tell you yes or no. But, they will no longer release the list of names of licensed persons in the state of Vermont. Their interpretation is based on something in S.182. I think the committee would have to perhaps discuss that with the secretary of state's office and see how broad you'd like that to be changed if you'd be willing to do that. This may be a good opportunity to do it.

REP. HUDSON: Other questions? '

your existence or trying to continue to keep business going as usual while working under the guillotine or waiting for the ax to fall, so to speak, I think we do better. Our regular board work suffered because of this. We had to put some very important things off. We may very well have lost continuing education. It is currently in the present statute. We had approved a plan in consultation and worked out something very agreeable with the Vermont Psychological Association, everything was in agreement, we had it ready to implement, and were ready to advertise a public hearing when this process started. Once we were in the middle of it, we knew we were going to have to advertise again and pass changed rules. We thought it would be better and were advised, indeed, to wait and do this when the thing over and save the cost of advertising and public money in putting out another set of rules. We lost this on the House floor last May over a parliamentary procedure in Mason's Rules when the legislature restores a power to a state agency it must be accompanied by standards. There were no standards. We have standards which are attached to the bill now that have not been considered. But, coming back through the House, I'm afraid it is going to go down again. It is very essential to the profession and to the public that there be continuing education.

REP. HUDSON: Thank you. Any other questions? If not, thanks again.

REP. RICE: Dwight Baker.

Dwight Baker, Secretary
Board of Registration for Land Surveyors

As usual we get here late and sign up at the bottom of the sheet, most of what you were going to say has already been said. Our board hasn't taken any formal position on this bill, I guess mostly because we probably haven't had time. What I am going to do is try to explain to you some of what our

board has done, plus hopefully I will make it clear what my personal opinions are, not necessarily the position of the board. I have been on this board for about a year, since August of 1981. When I came to the board, a couple of members of the board had already gone through the sunset questionnaire and prepared a draft answer or a draft document for the answers. This past year, the entire board has worked on a document. We have regularly scheduled six meetings a year and the budget has money for probably nine or ten meetings a year. We've had three or four extra meetings which were almost entirely required or scheduled because of the sunset document. Right now, I think we're out of money. At least I got an expense form back from our last meeting and saw that some of the mileage was crossed off with a note that we don't have any money anymore. We still have, or should have, two of our regularly scheduled meetings. So, it has cost us quite a bit of time and money. It has cost us a lot of time in reviewing applications and giving answers back to applicants in a hurry. One of the things that, I guess, has occurred to me is in this process the board is sort of inventing a wheel in going through the document once and answering it. Then the Legislative Council goes through it and it sounds to me like a sort of reinventing the wheel. One of the things that I wonder is why couldn't the whole thing be done with the board and the Legislative Council and/or with the language of this bill, it would probably and hopefully - and if we change the may's to shalls - be the board and the secretary of state and go through this once and get the document prepared with everybody's input all at once. Right now what we're looking at, and we don't know for sure, but probably over the course of the next couple of years, we're going to have to have many extra meetings, both the entire board, and it is our understanding at least the chairman and the secretary of the board,

both with the Legislative Council and with you people here. Again, we are apparently looking at a lot of additional time and expense. One of the purposes of sunset is whether the board should really continue to exist. That purpose, in my way of thinking, is only three questions out of the entire document, it is health, safety and welfare. It seems to me that those questions, really, we can sit down together and answer that in an afternoon and we don't have to spend an awful lot of time making a formal document on it. The rest of that document, really, refers to or has to do with the operations of the board, how the board goes about doing its work and doing its business. There's an awful lot of stuff in there that is important. My observations at this point, my experience with this board is the sunset process has sort of started to produce results because in going through that questionnaire, it is an organized logical approach to things. We found a lot of things in there where we said, gee, maybe it is a good thing that we started asking ourselves these questions because there are obviously things that are going to become along sooner or later. Gee, we have been doing something that's maybe a 1960's type of operation and we should change it to be a 1980's type of operation. Right now our feeling is, well, we've been through this once, we've found an awful lot of things that we would like to look into, but where is the time and money going to come from. The time and money we're looking at spending during the next couple years is the time in hearings and meetings with the Legislative Council and with this legislature. So, I guess one of the things that we're saying is that even though we haven't taken a formal position on this bill, our feeling is that maybe our time could be a lot better spent by working on the problems that we have identified rather than going through the formalities

of trying to justify our existence, which I think we could maybe do in an afternoon, and then the formalities of presenting a document and reviewing it to the Legislative Council and then to you people. Let's get down and hammer on the things that we see that need to be done and spending our time and money there. Another thing that I see in this is the whole issue of administration in operation of licensing boards and commissions is an aspect of local control, I guess. With the bill that was passed last year and the consolidation of the administrative functions by the secretary of state's office, right now what is happening is that letters come and go through the the secretary of state's office, the telephone calls come and go through the secretary of state's office, I see coming down the road a real question as to is the secretary of state's office a particular board is the board that particular board. Reading through the documents, I guess somebody else has already brought these to your attention tonight, but these are the state and national documents on sunset review. To me they're a pretty clear blueprint that one of the ultimate goals of sunset is to make some central state agency ultimately responsible for licensure of people in any profession or occupation and the boards merely become advisory. I'm not in favor of that personally. There's no question that if this bill is passed and this authority and responsibility is given to the secretary of state, that's one more, I guess, part of the kingdom that's going to go into that office. I'm not sure that that's necessarily bad, but I just point it out that I think that is sort of a decision that is coming down the road someplace. The secretary of state's office is going to be the licensing agency or in this state are the boards going to continue to have that responsibility and authority. One other thing that I'd like to talk about, a previous speaker

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brought up the issue of lists of licensees being made available to the public. We sort of face this same thing. Our board in the past has always included a roster of the people who are licensed by our board and their number and their addresses. We've been told by the secretary of state's office that that is no longer legal, that you cannot publish that sort of a list. It's my understanding that the basis for that opinion comes from the right-to-know statute. In that statute there is a series of exceptions of matters which are not part of the public domain. There are things like contracts, and people's scores on exams and disciplinary proceedings. There is one exception in that list of exceptions, and I wish I could remember it and you people can probably look it up very easily, but it relates to lists that are created by a state agency of members of the public and it has to do with in the normal course of the agency's business. That section has been pointed out to us as saying well, the secretary of state's office in its normal conduct of business is creating lists of licensees and under that provision of the statute, those lists are not now available to the public. They are covered by this excluded section. Again the board hasn't taken any formal vote or position on that but generally the feeling of the board is that we are against it. We see lots of reasons to have the lists of the people and their licenses numbers and their addresses and how to get ahold of them made available to the public. My own personal view on that is that it would seem that that provision would apply to such things as driver licenses or motor vehicle registrations although they are covered by a different section of law and made pretty public anyhow. But you can look at other things like lists of school children. Now, certainly I don't think it would be

you know in the public's interest to have a list of all kids that are in school and registered through the department of education scattered to the four winds as a matter of public information. I think there is a distinction between say the lists of children that are in school and rosters of people who are legitimately licensed by the state and are practicing some profession or occupation. I will stop there. Any questions?? If not, thank you.

REP. HUDSON: Are there any questions of the committee? If not thank you.

REP. RICE: Our final one, Sister St. Thomas.

REP. HUDSON: We will have time if there are others who have not signed up who would like to speak after the Sister has spoken to us, if you would indicate you would like to speak, we would like to have you.

Sister St. Thomas

Mr. Chairman and members of the committee, I would like to commend you for listening to us tonight. I feel you have listened and that pleases me. I wish to voice my opposition to the legislative bill S-278. The bill states that the reason for regulating professions and occupations is to protect the public health, safety and welfare. While legislation must focus on precise, invariant, and operational definitions, for a smooth operating government, the insistence of one government official doing this same sort of thing for a particular health profession such as nursing, seems preposterous in my opinion. Nursing is unique because it has its separate body of knowledge that deals with the health of the people of our society. I do not believe that a legislative committee would find nursing to be a body of knowledge